

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FILED

DEC 16 2020

Clerk, U.S. District Court
Eastern District of Texas

Mr. Michael Moates, individually and on
behalf of DC Chronicle, a 501(c)3 non-
profit charity organization

Plaintiffs,

v.

Case No.: 4:20-cv-00896-ALM-KP

Facebook Inc., Facebook Payments Inc,
Mark Zuckerberg, as Chief Executive
Officer, Sheryl Sandberg, as Chief
Operating Officer

Defendants.

MOTION TO RECONSIDER ORDER ON DC CHRONICLE AS A PLAINTIFF

1. On December 15, 2020, Judge Johnson issued an order stating that due to precedent set by Rowland v. California Men's Colony, DC Chronicle could not be a plaintiff in the lawsuit. This claim is based on the Defendants Response to the Plaintiff's Emergency Motion for Temporary Restraining Order. The claim that DC Chronicle is a corporation is false. DC Chronicle was filed as a Limited Liability Company in the State of Texas¹. It is important to note that while Limited Liability Companies have similar powers to "corporations" they are not in fact corporations. We respectfully agree and submit that Rowland v. California Men's Colony says "the lower courts have uniformly held that 28 U.S.C. § 1654 . . . does not allow corporations, partnerships, or associations to appear in federal court otherwise than by licensed counsel" but that DC Chronicle is none of these. DC Chronicle is a 501(C)3 non-profit charity organization limited liability company.

¹ <https://mycpa.cpa.state.tx.us/coa/coaSearchBtn> - Texas Taxpayer # 32069122086

1 2. Absent, the request above given the court's statement in the order saying "[T]he
2 appropriate measure for a judge to take when confronted with an unrepresented
3 corporation is inherently discretionary" we would ask the court to consider a couple of
4 different options.

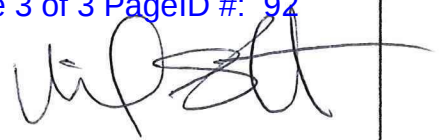
5 a. Allowing the Plaintiffs to submit another amended complaint removing DC
6 Chronicle from the lawsuit.

7 b. The court dropping DC Chronicle from the lawsuit.

8 c. Allowing a motion to drop DC Chronicle from the lawsuit.

9 The reason behind making this request is for a couple of reasons. To start, the court
10 approved the Plaintiffs Motion to for Leave to Proceed in Forma Pauperis. Dkt 3. Having
11 to refile the lawsuit and request this again would cause the US Marshall's to need to
12 reserve the Defendants at a cost. In addition, the Plaintiffs and Defendants have already
13 discussed dropping certain individuals from the lawsuit and a motion will soon be filed to
14 that effect. As the court stated in its order "[T]he appropriate measure for a judge to take
15 when confronted with an unrepresented corporation is inherently discretionary", the court
16 could allow at its discretion an amended complaint. FRCP Rule 15 says "Amending as a
17 Matter of Course. A party may amend its pleading once as a matter of course within:
18 Other Amendments. In all other cases, a party may amend its pleading only with the
19 opposing party's written consent or the court's leave. The court should freely give leave
20 when justice so requires.

21 3. The Plaintiffs also ask the court to note that in accordance with the above citation from
22 the Federal Rules of Civil Procedure it is our intention to request that the Defendants
23 allow us to file an amended complaint.
24
25
26
27
28



/s/ Michael Moates

2700 Colorado Boulevard #1526

Denton, TX 76201

(817)999-7534

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28